

Revised

If you need assistance completing this application (general inquires only) please contact Susan Walker, 974-2202; 505 Barton Springs Road, 2<sup>nd</sup> Floor (One Texas Center).

CASE # \_\_\_\_\_  
ROW # \_\_\_\_\_

**CITY OF AUSTIN  
APPLICATION TO BOARD OF ADJUSTMENT  
GENERAL VARIANCE/PARKING VARIANCE**

**WARNING: Filing of this appeal stops all affected construction activity.**

**PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED  
INFORMATION COMPLETED.**

STREET ADDRESS: 4406 Rivercrest

LEGAL DESCRIPTION: Subdivision -- Aqua Verde Deleted: \_\_\_\_\_

Lot(s) L Block C Outlot \_\_\_\_\_ Division \_\_\_\_\_ Deleted: \_\_\_\_\_

I/We Bruce Aupperle, P.E. for Aupperle Company on  
behalf of myself/ourselves as authorized agent for

NJG 56 LLC Managed by Alan Topfer affirm that on July 30, 2014, Deleted: \_\_\_\_\_

hereby apply for a hearing before the Board of Adjustment for consideration to:

(check appropriate items below)

☒ X ERECT ☐ ATTACH ☐ COMPLETE ☐ REMODEL ☐ MAINTAIN

to erect a boat dock, that will be 4' into the 10' setback from the neighboring property. Deleted: \_\_\_\_\_

in a LA district.  
(zoning district)

NOTE: The Board must determine the existence of, sufficiency of and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional support documents.

**VARIANCE FINDINGS:** I contend that my entitlement to the requested variance is based on the following findings (see page 5 of application for explanation of findings):

**REASONABLE USE:**

1. The zoning regulations applicable to the property do not allow for a reasonable use because:

These lots are extremely small and were for the sole purpose of having access to the lake.

Deleted: \_\_\_\_\_

Deleted: \_\_\_\_\_

**HARDSHIP:**

2. (a) The hardship for which the variance is requested is unique to the property in that:

These lots are only 30' in width and the minium width a single slip boat dock can be is 14'.

Deleted: \_\_\_\_\_

- (b) The hardship is not general to the area in which the property is located because:

This neighborhood was developed in the 70's and this type of configuration would not be allowed now under current code.

**AREA CHARACTER:**

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

This will not alter the adjacent properties because all the properties are already small and have boat docks that exist closer then 10' to the neighboring property.

**PARKING:** (Additional criteria for parking variances only.) N/A

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed Section 479 of Chapter 25-6 with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of the specific regulation because:

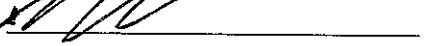
2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

**NOTE:** The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

**APPLICANT CERTIFICATE** - I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed  Mail Address 10088 Circlevue  
Drive

City, 78733 State & Zip Austin, TX

Printed Carolyn Aupperle, agent Phone 512-912-6399  
Date 3/18/14

TAX CERTIFICATE  
Bruce Elfant  
Travis County Tax Assessor-Collector  
P.O. Box 1748  
Austin, Texas 78767  
(512) 854-9473

NO 2240766

ACCOUNT NUMBER: 01-3519-0211-0000

PROPERTY OWNER:

NJG 56 LLC  
3718 HUNTERWOOD PT  
AUSTIN, TX 78746-1300

PROPERTY DESCRIPTION:

LOT L BLK C AQUA VERDE

ACRES

.0620 MIN%

.000000000000 TYPE

SITUS INFORMATION: 4406 RIVERCREST DR

This is to certify that after a careful check of tax records of this office, the following taxes, delinquent taxes, penalties and interests are due on the described property of the following tax unit(s):

YEAR	ENTITY
2013	TRAVIS COUNTY
	EANES ISD
	TRAVIS CENTRAL HEALTH
	TRAVIS COUNTY ESD #9

TOTAL
*ALL PAID*
*ALL PAID*
*ALL PAID*
*ALL PAID*

TOTAL SEQUENCE 0

\*ALL PAID\*

TOTAL TAX:  
UNPAID FEES:  
INTEREST ON FEES:  
COMMISSION:  
TOTAL DUE ==>

*ALL PAID*
* NONE *
* NONE *
* NONE *
*ALL PAID*

TAXES PAID FOR YEAR 2013 \$3,710.34

ALL TAXES PAID IN FULL PRIOR TO AND INCLUDING THE YEAR 2013 EXCEPT FOR UNPAID YEARS LISTED ABOVE.  
The above described property may be subject to special valuation based on its use, and additional rollback taxes may become due. (Section 23.55, State Property Tax Code).  
Pursuant to Section 31.08 of the State Property Tax Code, there is a fee of \$10.00 for all Tax Certificates.

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS DATE OF 02/26/2014

Fee Paid: \$10.00

Bruce Elfant  
Tax Assessor-Collector

By: 

NJG 56 LLC  
3718 HUNTERWOOD PT  
AUSTIN, TX 78746

May 28, 2013

City of Austin  
Planning and Development Review Department  
PO Box 1088  
Austin, TX 78716

To Whom It May Concern:

NJG 56 LLC is managed by Alan Topler and owns the property at 4406 and 4408 Rivercrest Drive. We wish to build a new boat dock. Aupperle Company and Bruce S. Aupperle, P.E. are our authorized agents for the City of Austin permit applications needed for the subject property. Please contact us if you have any questions.

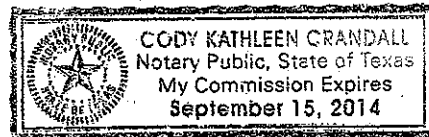
Owner's Signature

Alan Topler  
Manager, NJG 56 LLC

Sworn and subscribed before me this 7 day of February, 2014

Cody  
Notary Public in and for the State of Texas

My Commission expires: 9.15.14



## Heldenfels, Leane

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**From:** Barton-Holmes, Christine  
**Sent:** Tuesday, July 22, 2014 2:39 PM  
**To:** Heldenfels, Leane  
**Subject:** Re: 4406 and 4408 Rivercrest Dr Board of Adjustment Notices

Hi, Leane,

They're approximately 5' away from each other, so they'd both need variances for a 5' side yard setback. They reduced the dock length so that complies, and they did get the variance for dock width at Commission.

Thanks,

Christine

Christine Barton-Holmes, LEED AP  
Senior Planner, Land Use Review  
City of Austin- Planning & Development Review Dept.  
One Texas Center  
505 Barton Springs Rd., 4th Flr.; Austin, TX 78704  
Direct 512-974-2788  
Email: christine.barton-holmes@austintexas.gov

Sent from my iPhone

On Jul 22, 2014, at 1:42 PM, "Heldenfels, Leane" <[Leane.Heldenfels@austintexas.gov](mailto:Leane.Heldenfels@austintexas.gov)> wrote:

Hi Christine – I am working on the notice language for the 2 side setback variances for proposed boat dock construction at the above addresses. How close will the docks come to the property line of each lot? I looked at the Amanda comments, but that part wasn't clear to me so I thought I should double check w/ you to make sure I have the measurements correct for what they are proposing.

Also, the applicant (Aupperle) provided an email exchange w/ Brent Lloyd in late June that stated the other 2 needed variances could be obtained from the Planning Commission. Was that the case/were those granted or do we need to include those in the Board variance request as well.

Thanks for your assistance –

Leane Heldenfels

Board of Adjustment Liaison

<4406 rivercrest.doc>

<4408 Rivercrest Dr.doc>



## Aupperle Company

10088 Circleview Drive, Austin, TX 78733

Phone & Fax (512) 329-8241

Email: [Aupperle@att.net](mailto:Aupperle@att.net)

Texas Board of Professional Engineers Registration Number F-1994

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## Transmittal

☐ Urgent

☒ As Requested

☐ For Review and Comment

☐ FYI

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**From:** Bruce S. Aupperle, P.E.

**Date:** 20May14

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**To:** City of Austin: Liz Johnston, Christine Barton-Holmes

**Delivery:** Hand

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**Re:** 4406 Rivercrest Drive AP-2014-0119DS Update #1

**Pages:** 1

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The following remarks are responses to several of the City review comments generated 05/19/14 for the referenced site plan.

**Site Plan Review – Christine Barton-Holmes**

SP2,3,6&11 The requested changes have been made on the plans.

SP4 No, we don't anticipate all work to be done via barge since there is a PAVED common access easement adjacent to the docks for all the dock in the area. We expect workmen and there tools will arrive via land.

SP 9-10 We understand that PC consideration is required for approval of the width and depth.

**Environmental Review – Liz Johnston**

EV6 We understand that PC consideration is required for approval of the width and depth.

**Please contact us if you have any further questions or requirements.**

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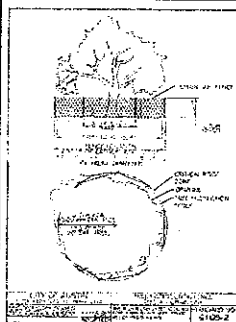
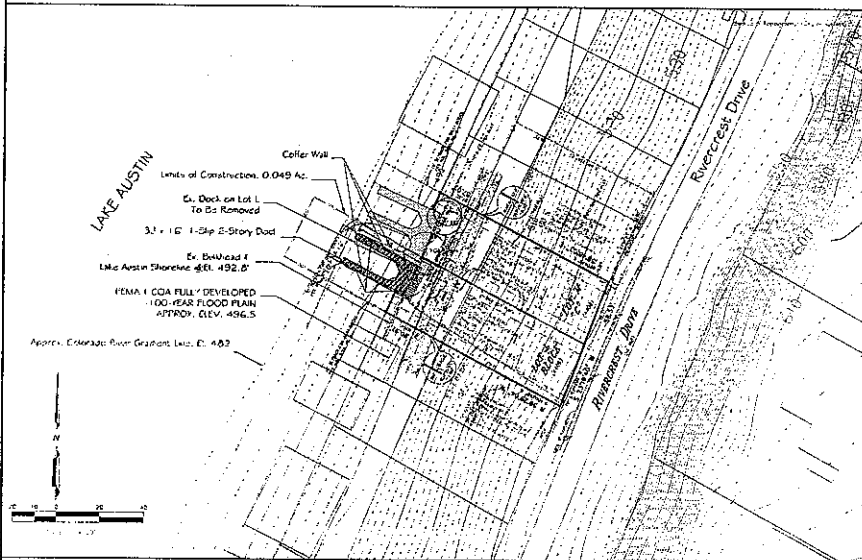
The information contained in this message is privileged and confidential information intended solely for the use of the addressee listed above. If you are not the intended recipient, you are hereby notified that disclosure, copying, distribution or taking of any action in reliance on the contents of the information is strictly prohibited. If you received this message in error, please immediately notify us by telephone to arrange for the return of these documents to us.

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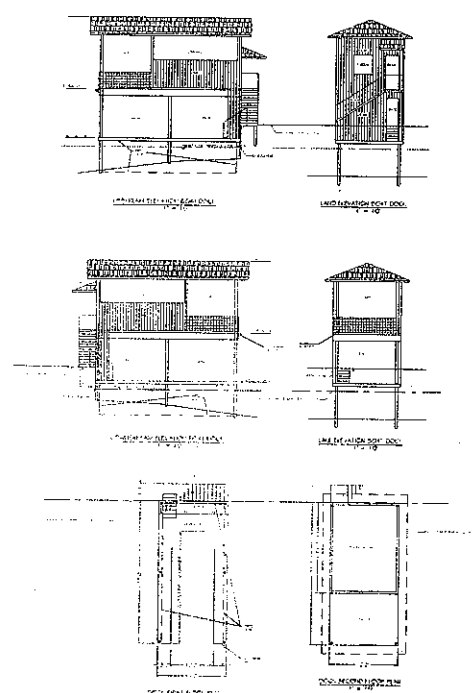
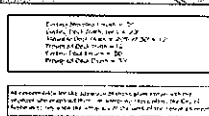





## 4406 Rivercrest Drive



- [illegible]



4406 RIVERCREST DRIVE		DATE	10/2/2018
SITE PLAN, DOCK PLAN & ELEVATIONS		BY	ALP
2	ALPERLE COMPANY Engineering, Planning & Development Services 8800 Glenview Ave., Suite 200, Glenview, IL 60025 (847) 439-8800	SCALE	AS SHOWN
PROJECT NO.	18-001	PROJECT NAME	4406 RIVERCREST DRIVE
CLIENT	ALP	CLIENT NAME	ALP
DATE	10/2/2018	DATE	10/2/2018

project. Make sure that it is at least 4" x 4", of sufficient scale and quality to be legible, and that it identifies effectively where the proposed work is to take place. Add a north arrow, call out "Lake Austin" and clearly delineate the shoreline.

SP 13. Add note on the site plan indicating piling size.

### Environmental Review - Liz Johnston - 512-974-1218

*Please be advised that additional comments may be generated as update information is reviewed. If an update has been rejected, reviewers are not able to clear comments based on phone calls, emails, or meetings, but must receive formal updates in order to confirm positive plan set changes.*

- EV 1 This comment is pending confirmation from ERM staff that there are no outstanding issues related to the ERI or Critical Environmental Features. [LDC 28-8-121 through 124, ECM 1.3.0]
- EV 2 Provide a fiscal estimate for erosion/sedimentation controls and revegetation based on Appendix S-1 of the Environmental Criteria Manual. The approved amount must be posted with the City prior to permit/site plan approval. [LDC 25-7-65, ECM 1.2.1.]
- EV 3 Please provide the most up-to-date ECM Appendix P-1 notes.
- EV 4 Please identify the temporary spoils/staging area, particularly for the demolition activities and provide additional ESC downstream from this area.
- EV 5 The location of the existing bulkhead is unclear from the drawings submitted. Please provide an existing conditions plan separate from the proposed plan. The zig-zag line is called out as the bulkhead/shoreline, but there is another bold line in front of that line, which is unlabeled. Please clarify what that bold line indicates.
- EV 6 Comment is pending approval by Planning Commission for exceeding the 20% width allowance and extending greater than 30' into Lake Austin.

### Flood Plain Review - Henry Price - 512-974-1275

No comments.

### Parks Review - Marilyn Shashoua - 512-974-9372

Parks Review no longer required.

### Wetlands Biologist Review - Andrew Clamann - 512-974-2694

Site visit 4/24/2014. No CEF s observed. No recommendations.

End of Report

## Site Plan Review - Christine Barton-Holmes - 512-974-2788

- SP 1. Provide this reviewer with a full-sized and legible copy of the subdivision plat. On the plans, show all boundary lines with bearings and dimensions in accordance with the recorded subdivision on all sheets. Also, provide copies of all restrictive covenants and/or HOA agreements pertaining to this property.
- SP 2. Depict and label the lake gradient line on the site plan, showing the shoreline during the period when the lake is lowered. The Lake Austin gradient line normally follows the 482.0 ft. contour, and the proposed boat dock cannot extend past the gradient line. Please provide the topographical datum basis used for location of the gradient line.
- SP 3. Call out the Lake Austin shoreline elevation as 492.8.
- SP 4. Will all the work be performed using a barge, or will materials and equipment be stored on land, or will workers also access the site via land? If so, the limits of construction should be adjusted accordingly on the site plan. If all work will be accomplished with the barge, then place the following note to the cover sheet: "All work on this project is to be accomplished via barge. There will be no site access by land, nor will any construction staging or materials storage be located on land." Please be more specific in the description on the cover sheet.
- SP 5. Please label both sites on the site plan with the case numbers for both 4408 and 4406 Rivercrest, to help differentiate what is being done on each site.
- SP 6. Amend the note to the cover sheet to read: "A business or living quarter may not be constructed on a pier or similar structure extending into or above Lake Austin, except under a *license agreement approved by the City Council [Section 25-2-1176(H)]*."
- SP 7. Show the 75-foot shoreline setback on the plan, and include this note on the site plan sheet: "Permanent improvements are prohibited within the shoreline setback area, except for retaining walls, piers, wharves, boathouses, marinas or a driveway to access the structures [LDC 25-2-551(B)(2)]".
- SP 8. On the cover sheet, indicate the site zoning along with the other site data. On the site plan, show the zoning and addresses of the adjacent properties.
- SP 9. It appears that the proposed boat dock extends approximately 33 feet from the shoreline, exceeding the allowed maximum of 30 feet [Section 25-2-1176(B)(2)]. Either reduce this extension into the lake, or request approval from Planning Commission.
- SP 10. Demonstrate that the proposed width of the boat dock does not exceed twenty percent (20%) of the length of the shoreline. The boat dock appears to measure more than 50% of the property width/length of shoreline.
- SP 11. Please provide all four sides of the boat dock elevations, to help verify compliance with openness.
- SP 12. Please provide a clear site location map with adequate detail – the map on the cover sheet does not provide sufficient information in regard to the actual location of the



## Aupperle Company

10088 Circleview Drive, Austin, Texas 78733

Phone & Fax (512) 329-8241

Email: [Aupperle@aatt.net](mailto:Aupperle@aatt.net)

Texas Board of Professional Engineers Registration Number F-1994

March 28, 2014

Director of Planning and Development Review

City of Austin

P.O. Box 1088

Austin, Texas 78767

Re: Environmental Assessment Report, Engineer's Floodway Encroachment Certification and Summary Letter for a Single-Family Boat Dock on Lake Austin at 4406 Rivercrest Drive, Austin Texas

Dear Director:

This project proposes to demolish an existing dock and construct a new boat dock and appurtenances. A general description of the proposed project follows.

### Overview

This project is situated approximately two-thirds of mile west of the intersection of Loop 360 and Westlake Drive intersection. The property is located within the city limits of the City of Austin. The principal residence associated with this residential dock will be at 3718 Hunterwood Point, Austin, TX 78746. The project site is located within the Lake Austin watershed. The new dock width will be 16 feet more than 20% of the shoreline width. Access for construction activities will be by water and land. All piles will be '6-5/8" driven steel piles. All piles will be driven to 0.5" refusal per blow. There will be no shoreline improvements. The dock improvements will be built this coming summer.

### Environmental Assessment (a.k.a. Environmental Resource Inventory)

The project site is not located over a karst aquifer, is not within an area draining to a karst aquifer or reservoir, is not within a water quality transition zone, is within a critical water quality zone, is not located on slopes with a gradient more than 15 percent, and is located within the 100-year flood plain of Lake Austin. The F.E.M.A. flood plain information is attached and F.I.R.M information is included on the Cover Sheet.

*Hydrogeologic Element:* The topographic slope under the dock is a grade less than 15 percent. The site is located in Lake Austin and the soils according to the Geologic Atlas of Texas are predominantly *alluvium (Qal)* and *fluvial terrace deposits (Qt)*, i.e. sedimentary soils with some boulders. There are no known springs, bluffs, canyon rimrocks, caves, sinkholes, point recharge features, karst or other critical environmental features within 150 feet of the boat dock. The project is 100% over Lake Austin and runoff from the dock should not propose any harm to the quality or quantity of recharge at significant point recharge features, since there are none. There is an existing boulder bulkhead at the shoreline. Pictures of the shoreline area are attached.

*Vegetation Element:* The proposed construction preserves to the greatest extent practicable the significant trees and other vegetation at the single-family site. The site plan shows all trees greater than eight inches in diameter within or immediately adjacent to the limits of construction for the

March 28, 2014

Director of Planning and Development Review

Page 2 of 2

proposed dock. No trees will be removed for the dock construction. Site does contain some native and non-native shoreline wetland plants; however, the extent of their coverage does not constitute a critical environmental feature.

*Wastewater Element:* No wastewater or water service is proposed for this project. Therefore, justifications, explanations, descriptions, techniques, standards or calculations regarding wastewater service are not included herein.

Engineer's Certification - Floodway Encroachment - LDC 25 -12 G103.5

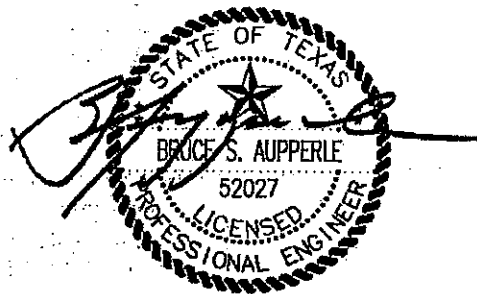
The proposed dock will not increase the rate of storm runoff within the Colorado River watershed. The openness and profile of the proposed dock will not adversely obstructive flood flows relative to the existing dock and shoreline protrusions and will not increase the level of the design flood of the adjacent Colorado River.

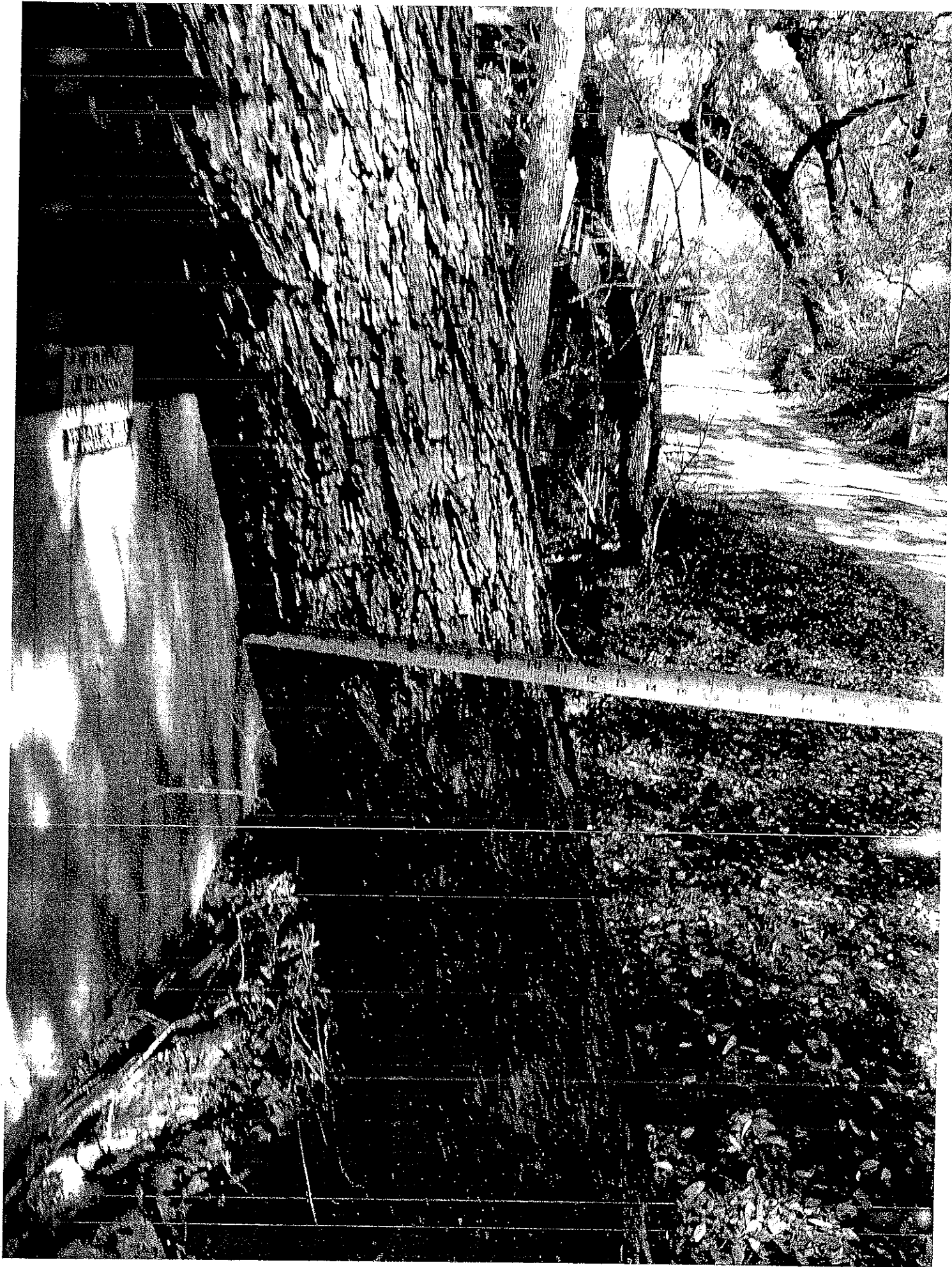
Variances, Waivers & Conclusions

The dock construction is located with the critical water quality zone, but a variance to construct the dock facilities in the CWQZ is not required. The dock width does exceed 20% of the shoreline width. The dock will extend beyond the 30' shoreline offset. The dock will encroach into the 10-foot side yard setback. The project as designed will require variances in accordance with the applicable requirements of the City of Austin Development Code. There will be no adverse impact on the natural and traditional character of the land or waterways. If you have any questions, please feel free to call.

Very truly yours,

Bruce S. Aupperle, P.E.







If you need assistance completing this application (general inquiries only) please contact Susan Walker, 974-2202; 505 Barton Springs Road, 2<sup>nd</sup> Floor (One Texas Center).

CASE # CL5-2014-0110  
ROW # 11183086  
ROLL 0135190211

CITY OF AUSTIN  
APPLICATION TO BOARD OF ADJUSTMENT  
GENERAL VARIANCE/PARKING VARIANCE

WARNING: Filing of this appeal stops all affected construction activity.

PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED INFORMATION COMPLETED.

STREET ADDRESS: 4406 Rivercrest Drive

LEGAL DESCRIPTION: Subdivision - Agua Verde

Lot(s) L Block C Outlot \_\_\_\_\_ Division \_\_\_\_\_

I/We Carolyn Appule on behalf of myself/ourselves as authorized agent for

NSG 56 LLC managed by Alan Topfer affirm that on \_\_\_\_\_,

hereby apply for a hearing before the Board of Adjustment for consideration to:

(check appropriate items below)

☒ ERECT ☐ ATTACH ☐ COMPLETE ☐ REMODEL ☐ MAINTAIN

a boat dock closer than 10' from the neighboring property

in a LA district.  
(zoning district)

NOTE: The Board must determine the existence of, sufficiency of and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional support documents.



**VARIANCE FINDINGS:** I contend that my entitlement to the requested variance is based on the following findings (see page 5 of application for explanation of findings):

**REASONABLE USE:**

1. The zoning regulations applicable to the property do not allow for a reasonable use because:

The lots are too small and were made just for boat docks

**HARDSHIP:**

2. (a) The hardship for which the variance is requested is unique to the property in that:

The lot configuration was done before the current code was in place.

The lots were meant to be small, so they are not used for anything but a

- (b) The hardship is not general to the area in which the property is located because: boat dock.

The Rivercrest Drive area is unique and no other properties were setup this way.

**AREA CHARACTER:**

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

The lots on each side are also very small and the existing docks are also closer than 10'.

**PARKING:** (Additional criteria for parking variances only.)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed Section 479 of Chapter 25-6 with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of the specific regulation because:

2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

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3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

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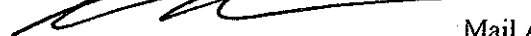
4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

---

---

**NOTE:** The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

**APPLICANT CERTIFICATE** – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed  Mail Address 10088 Circleview Dr.

City, State & Zip Austin, TX 78733

Printed Carolyn Apperle Phone 512-912-6397 Date 7/16/14

**OWNERS CERTIFICATE** – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed \_\_\_\_\_ Mail Address \_\_\_\_\_

City, State & Zip \_\_\_\_\_

Printed \_\_\_\_\_ Phone \_\_\_\_\_ Date \_\_\_\_\_

NJG 56 LLC  
3718 HUNTERWOOD PT  
AUSTIN, TX 78746

May 28, 2013

City of Austin  
Planning and Development Review Department  
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Austin, TX 78716

To Whom It May Concern:

NJG 56 LLC is managed by Alan Topler and owns the property at 4406 and 4408 Rivercrest Drive. We wish to build a new boat dock. Aupperle Company and Bruce S. Aupperle, P.E. are our authorized agents for the City of Austin permit applications needed for the subject property. Please contact us if you have any questions.

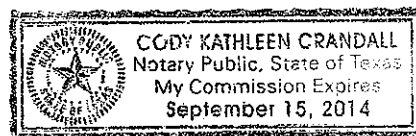
Owner's Signature

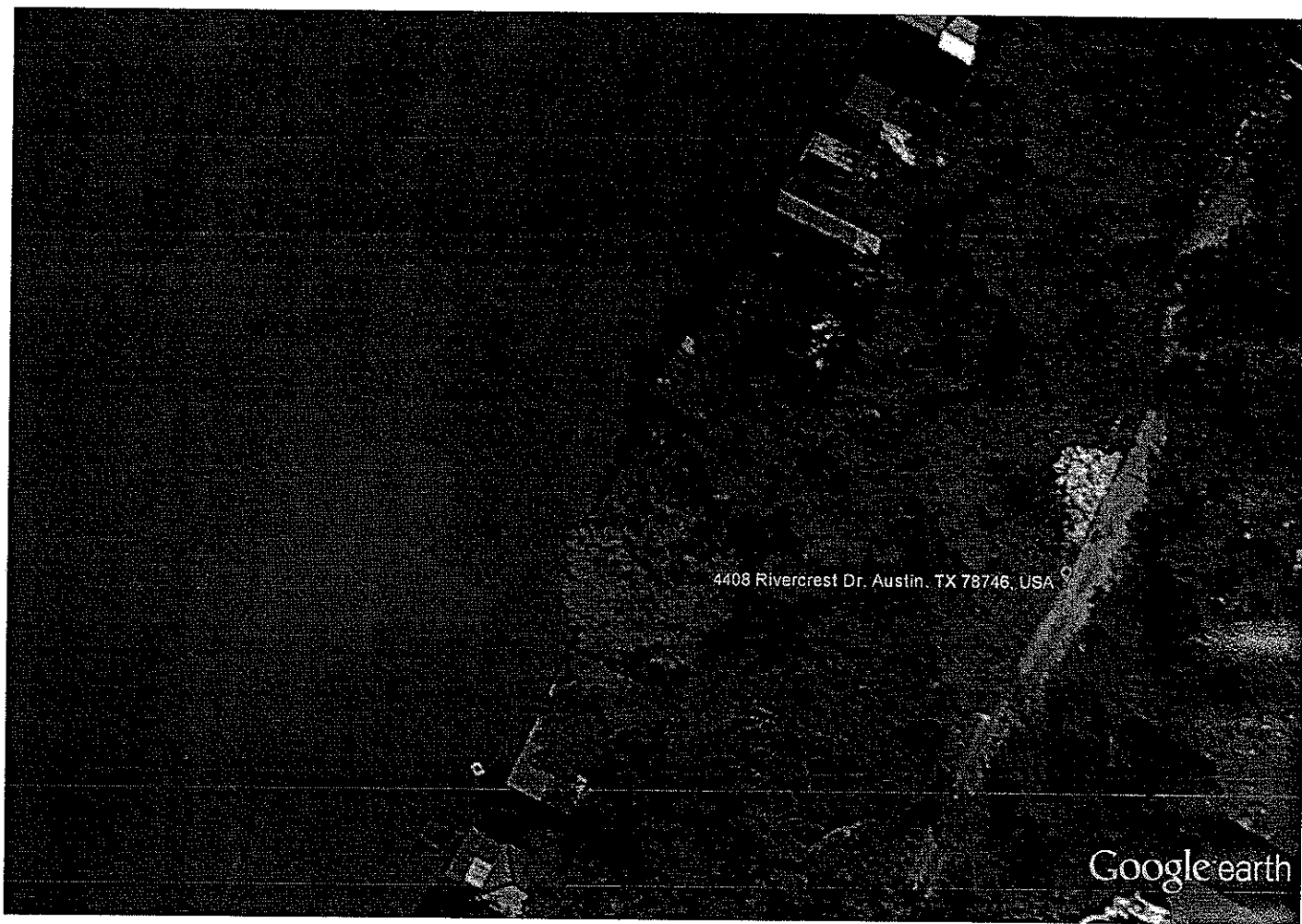
Alan Topler  
Manager, NJG 56 LLC

Sworn and subscribed before me this 7 day of February, 2014

Cody  
Notary Public in and for the State of Texas

My Commission expires: 9.15.14





Google earth

feet  
meters



TAX CERTIFICATE  
Bruce Elfant  
Travis County Tax Assessor-Collector  
P.O. Box 1748  
Austin, Texas 78767  
(512) 854-9473

NO 2240766

ACCOUNT NUMBER: 01-3519-0211-0000

PROPERTY OWNER:

NJG 56 LLC  
3718 HUNTERWOOD PT  
AUSTIN, TX 78746-1300

PROPERTY DESCRIPTION:

LOT L BLK C AQUA VERDE

ACRES

.0620 MIN%

.000000000000 TYPE

SITUS INFORMATION: 4406 RIVERCREST DR

This is to certify that after a careful check of tax records of this office, the following taxes, delinquent taxes, penalties and interests are due on the described property of the following tax unit(s):

YEAR	ENTITY
2013	TRAVIS COUNTY
	EANES ISD
	TRAVIS CENTRAL HEALTH
	TRAVIS COUNTY ESD #9

TOTAL
*ALL PAID*
*ALL PAID*
*ALL PAID*
*ALL PAID*

TOTAL SEQUENCE 0

\*ALL PAID\*

TOTAL TAX:  
UNPAID FEES:  
INTEREST ON FEES:  
COMMISSION:  
TOTAL DUE ==>

*ALL PAID*
* NONE *
* NONE *
* NONE *
*ALL PAID*

TAXES PAID FOR YEAR 2013 \$3,710.34

ALL TAXES PAID IN FULL PRIOR TO AND INCLUDING THE YEAR 2013 EXCEPT FOR UNPAID YEARS LISTED ABOVE.  
The above described property may be subject to special valuation based on its use, and additional rollback taxes may become due. (Section 23.55, State Property Tax Code).  
Pursuant to Section 31.08 of the State Property Tax Code, there is a fee of \$10.00 for all Tax Certificates.

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS DATE OF 02/26/2014

Fee Paid: \$10.00

Bruce Elfant  
Tax Assessor-Collector

By: 

## Heldenfels, Leane

---

**From:** bruce aupperle <bruceaupperle@me.com>  
**Sent:** Thursday, June 26, 2014 1:47 PM  
**To:** Heldenfels, Leane  
**Subject:** Fwd: FW: PC case C-24 and C-25 for Tuesday

Leane:

See notes below as to why these cases need to be heard by the BOA.

Thanks, Bruce S. Aupperle, P.E. Aupperle Company, 10088 Circlevue Drive, Austin, TX 78733 Phone & Fax: (512) 329-8241 Mobile: (512) 422-7838

----- Original Message -----

**Subject:** FW: PC case C-24 and C-25 for Tuesday  
**Date:** Tue, 24 Jun 2014 21:56:20 +0000  
**From:** Barton-Holmes, Christine <Christine.Barton-Holmes@austintexas.gov>  
**To:** bruce aupperle (~~bruceaupperle@me.com~~) <~~bruceaupperle@me.com~~>

Bruce,

FYI for tonight's hearing.

-Christine

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**From:** Lloyd, Brent  
**Sent:** Tuesday, June 24, 2014 4:53 PM  
**To:** JJack2; Barton-Holmes, Christine  
**Cc:** Sorola, David; Crosby, Cindy; Chimenti, Danette - BC; West, Beverly; Johnston, Liz  
**Subject:** RE: PC case C-24 and C-25 for Tuesday

Commissioner Jack is correct that the Planning Commission cannot grant a variance from the sideyard setback required under Section 25-2-492 for the LA base zoning district. The applicant will need to seek a BOA variance from that requirement.

However, Section 25-2-1176(D) also imposes a 10-foot setback requirement specifically for boat docks that is separate from the setback required under the base district regulations in Section 25-2-492. And Planning Commission does have authority to approve variances from that requirement, in addition to the 20% width requirement also contained in Section 25-2-492(D).

For tonight's meeting, I've advised Christine that the posting language is broad enough to allow PC to take action on both of the -1176 variances, even though the backup only calls out the 20% width requirement. But they will then need to seek a BOA variance for the -492 sideyard setback.

The ordinances now pending before Council will clear up the confusion that arises under current code by assigning all Chapter 25-2 variances for boat docks to the BOA. Right now, though, there are some cases—

like this one—where an applicant has to seek both PC and BOA variances for requirements that are functionally quite similar.

Thanks,

**Brent D. Lloyd**  
Assistant City Attorney  
(512) 974-2974

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**From:** JJack2 [mailto:jjack2@city.austin.tx.us]  
**Sent:** Tuesday, June 24, 2014 3:45 PM  
**To:** Barton-Holmes, Christine  
**Cc:** Sorola, David; Crosby, Cindy; Lloyd, Brent; Chimenti, Danette - BC  
**Subject:** Re: PC case C-24 and C-25 for Tuesday

Christine

I appreciate your response, however I am not convinced that the Planning Commission has the authority to grant a variance to a zoning site requirement. I understand that Council has moved the responsibility for Lake zoning issues to the PC but the infringement into the side set back is not a Lake zoning issue, but one that would normally go to the Board of Adjustment. That is why I copied legal on this and I hope they will have an answer before tonight's meeting. I think we need city legal to make this determination.

Thanks  
Jeff

**From:** Barton-Holmes, Christine  
**Sent:** Tuesday, June 24, 2014 2:08 PM  
**To:** JJack2  
**Cc:** Chimenti, Danette - BC ; Lloyd, Brent ; Crosby, Cindy ; Sorola, David  
**Subject:** RE: PC case C-24 and C-25 for Tuesday

Commissioner Jack,

C-24 and C-25 are for two lots that are adjacent to each other and are owned by the same entity. The lots are 28' and 30' wide, and if the 20% dock width requirement were to be met, the docks would have to be 6' wide or less. Staff considers the minimum safe dock width to be 14', so the request for docks wider than 20% is supported by staff, up to 14'. Both docks, because of their width, are also not meeting the 10' setback requirement. However, the docks do have 10' on the sides adjacent to other property owners. The setback deficit is on the common property line shared by the two lots.

Both of these requests will go before the BOA when the new ordinance for boat dock review is passed, but they are currently under the Planning Commission's purview. At this time, they only need review from the Commission.

Thank you,

Christine Barton-Holmes, LEED AP  
Senior Planner, Land Use Review  
City of Austin- Planning & Development Review Dept.  
One Texas Center  
505 Barton Springs Rd., 4th Flr.; Austin, TX 78704

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[Lynda.Courtney@austintexas.gov](mailto:Lynda.Courtney@austintexas.gov)



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**From:** JJack2 [mailto:[jjack2@ustinet.org](mailto:jjack2@ustinet.org)]  
**Sent:** Monday, June 23, 2014 10:56 AM  
**To:** Barton-Holmes, Christine  
**Cc:** Chimenti, Danette - BC; Lloyd, Brent; Crosby, Cindy; Sorola, David  
**Subject:** PC case C-24 and C-25 for Tuesday

Christine, Brent, Cindy and David

I have asked for clarification on why some variances to the Lake zoning ordinance are going to Planning commission while others are going to the Board of Adjustment. While I have not gotten a response yet, here are two case where the PC is being asked to grant variances that I find questionable. In the first case C- 24 the request is not on a Lake Zoning issue but rather an infringement into a side yard set back that is triggered by a dock construction. In the second case C-25 the request is for permission to construct a dock on a lot with less frontage than allowed so that a dock can exceed the 20% max for the lot. In this case the back up is not clear on just whether or not the new dock would infringe into the side yard setback as well? Again I am concerned about how the PC is being used to grant variances that should be the responsibility of the Board of Adjustment. In these cases I see no difference between a boat dock and any other accessory use on a site that infringes into a side yard setback such as a storage building, deck or any of the many constructions that regularly come before the Boar of Adjustment.

I would appreciate getting some clarification on why these cases are before the PC and not the B of A. or if the docks are granted by the PC will they then have to come before the Board of Adjustment as well?

I hope y'all can clarify this situation prior to the PC meeting tomorrow.

Thanks  
Jeff